



August 25, 1999

Ms. Tenley A. Aldredge
Assistant City Attorney
Travis County
P.O. Box 1748
Austin, Texas 78767

OR99-2390

Dear Ms. Aldredge:

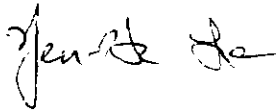
You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 127295.

The Travis County Sheriff's Office (the "sheriff's office") received a request for information concerning an auto-pedestrian accident. You assert that portions of the requested report is excepted from required public disclosure under section 552.101 of the Government Code. Specifically, you contend that the criminal history record information ("CHRI") obtained from the Travis County Criminal Justice System or other local law enforcement agencies is private information. We assume that you have released the remaining requested information.

Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Common-law privacy is encompassed in section 552.101. For information to be protected from public disclosure by the common-law right of privacy under section 552.101, the information must meet the criteria set out in *Industrial Foundation v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). In *Industrial Foundation*, the Texas Supreme Court stated that information is excepted from disclosure if (1) the information contains highly intimate or embarrassing facts the release of which would be highly objectionable to a reasonable person and (2) the information is not of legitimate concern to the public, 540 S.W.2d at 685. In *United States Department of Justice v. Reporters Committee For Freedom of the Press*, 489 U.S. 749 (1989), the U.S. Supreme Court concluded that where an individual's CHRI is compiled or summarized by a governmental entity, the information takes on a character that implicates an individual's right of privacy in a manner that the same individual records in an uncompiled state do not. We have marked the information that you must withhold as private information under section 552.101. *See id.*; *see also* Gov't Code § 411.106(b).

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Yen-Ha Le', with a stylized flourish at the end.

Yen-Ha Le
Assistant Attorney General
Open Records Division

YHL/nc

Ref.: ID# 127295

Encl.: Marked documents

cc: Mr. Raul Steven Pastrana
1300 West Lynn, Suite 208
Austin, Texas 78703
(w/o enclosures)